IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.672 OF 2003

The State of Maharashtra ... Appellant.

V/s

Sudhir Namdeo Kurungale
R/o. Panshil, Tal. Khalapur,
Dist. Raigad (Maharashtra) ...Respondent.
(Orig. Accused)

Mr. D.P. Adsule, APP for the appellant - State.

CORAM: V.M.KANADE,J.

DATE: 15TH SEPTEMBER, 2004

PC:.

1. Heard the learned APP for the appellant - State.

2. The respondent - accused was charged under section

353, 332, 426 of the Indian Penal Code.

3. Prosecution's case is that the accused drove his tempo in no-entry lane and that the Police Constable accosted the accused. There was an altercation between the accused and the complainant and the accused snatched the complainant by holding the scruff of his neck as a result of which button of his shirt was broken and shirt pocket was torn. The Trial Court has observed that the prosecution has not adduced any

evidence to show that the accused had taken his tempo in the no-etry lane. The accused, therefore, was acquitted of the offence under sections 353 and 332 of the Indian Penal Code. The respondent - accused has been convicted under sections 323 & 426 of the Indian Penal Code.

4. In my view, finding given by the Trial Court is not perverse. There is no reason to interfere with the said order of the Trial Court. Leave is refused. Appeal is rejected.

V.M. KANADE, J.